

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

FEB 16 2024

KEVIN R. WEIMER, Clerk  
By: *[Signature]* Deputy Clerk

RICKY R. FRANKLIN :  
Plaintiff, : Civil Action No:1:24-cv-00155-SDG  
v. :  
AUDIACITY WHEELS, INC :  
Defendant :

**PLAINTIFF'S REQUEST FOR**  
**CLERK'S ENTRY OF DEFAULT**

In accordance with Fed.R.Civ.P. Rule 55(a) Plaintiff requests that a Clerk's Entry of Default be entered against Audiocity Wheels, Inc., for failure to plead or otherwise defend. Fed. R. Civ. 55(a) (When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default)

In support of its motion, Plaintiff states as follows:

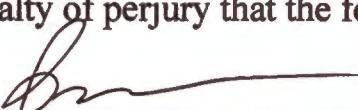
1. Plaintiff made proper service of summons and Complaint to the Defendant on 15 January 2024, as evidenced by the process receipt and return by a certified process server (Exhibit A)
2. Pursuant to Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure, Audiocity Wheels, Inc., was given 21 days, until February 5, 2024 to serve an

answer or otherwise respond to Plaintiff's Complaint. Service upon a corporation is accomplished by delivering a copy of the summons to any agent authorized by appointment or by law to receive service of process. See Federal Rules of Civil Procedure 4(h)(1)(B). Defendant AUD is a registered in California and its registered agent on file is Eunjung Kim. (Exhibit B)

3. More than 21 days have elapsed since Plaintiff's Summons was served on the Defendant. Up until this very day, Plaintiff has not been served with a copy of any pleading.

4. No attorney has been listed or admitted to act on behalf of Defendant Audiocity Wheels, Inc., Under Georgia law, Corporations and Limited liability companies must be represented by attorneys in Courts of record. *Winzer v. EHCA Dunwoody, LLC*, 277 Ga.App. 710, 713-714(3), 627 S.E.2d 426 (2006). Palazzo v. Gulf Oil Corp., 764 F.2d 1381 (11th Cir. 1985) (This Answer is not sufficient as to Longhorns, however, as organizations such as corporations or limited liability companies ("LLCs") may not appear pro se but must be represented by counsel).

I declare under penalty of perjury that the foregoing is true and correct.

Ricky R. Franklin  Date: 16 Feb 24

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was sent US Mail 1<sup>st</sup> Class postage on February 16<sup>th</sup>, 2024 to Defendant or Agent listed below<sup>1</sup>:

**Audiocity Wheels, Inc.**

**Registered Agent - Eunjung Kim**

**13133 Telegraph Road**

**Santa Fe Springs, CA 90670**

Plaintiff, Pro-Se

  
Ricky R. Franklin  
708 Brambling Way  
Stockbridge, GA 30281

<sup>1</sup>Although Defendant is not represented by an attorney, Plaintiff ensures that a copy of this motion is sent to the Defendant's listed address

# EXHIBIT A

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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U.S.D.C. - Atlanta

Civil Action No. 1:24-cv-0155

SPG

JAN 19 2024

**PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 5 or Rule 44 of this court's Local Rules.)

KEVIN P. WEIMER, Clerk  
By: [Signature] [Signature] Clerk

This summons for Audiocity Wheels Inc.  
was received by me on 1/12/2024;

- I personally served the summons on the individual at (place) on (date); or
- I left the summons at the individual's residence or usual place of abode with (name), a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- I served the summons on c/o Eunjung Kim, who is designated by law to accept service of process on behalf of Audiocity Wheels Inc. at 13133 Telegraph Rd, Santa Fe Springs, CA 90670 on 01/18/2024 at 9:40 AM; or
- I returned the summons unexecuted because ; or
- Other (specify)

My fees are \$ 0 for travel and \$ 75.00 for services, for a total of \$ 75.00.

I declare under penalty of perjury that this information is true.

Date:

Lillian M. M.  
Servant's signature

Lillian M. M.  
Printed name and title

20681 Golden Springs Dr  
F Suite 405  
Walnut, CA 91789

Servant's address

Additional Information regarding attempted service, etc:

I delivered the documents to an individual who refused to give their name who identified themselves as the person in charge. The individual accepted service with direct delivery. The individual appeared to be a bald Hispanic male in his late 40s-50s years of age, 5'9"-5'7" tall and weighing 240-300 lbs with a tattoo. Confirmed he is the store manager and would get documents to the named Agent.



# EXHIBIT B

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Secretary of State

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# Business Search

▼ *The California Business Search provides access to available information for **corporations**, **limited liability companies** and **limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.*

*Currently, Information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.*

## Basic Search

*A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, remove "C" from the entity number. Note, a basic search will search only ACTIVE entities (Corporations, Limited Liability Companies, Limited Partnerships, Cooperatives, Name Reservations, Foreign Name Reservations, Unincorporated Common Interest Developments, and Out of State Associations). The basic search performs a*

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**AUDIOCITYWHEELS, INC.**  
**(4765090)**



[Request Certificate](#)

<i>Initial Filing Date</i>	<b>07/13/2021</b>
<i>Status</i>	<b>Active</b>
<i>Standing - SOS</i>	<b>Good</b>
<i>Standing - FTB</i>	<b>Good</b>
<i>Standing - Agent</i>	<b>Good</b>
<i>Standing - VCFCF</i>	<b>Good</b>
<i>Formed In</i>	<b>CALIFORNIA</b>
<i>Entity Type</i>	<b>Stock Corporation - CA - General</b>
<i>Principal Address</i>	<b>13133 TELEGRAPH RD SANTA FE SPRINGS, CA 90670</b>
<i>Mailing Address</i>	<b>13133 TELEGRAPH RD SANTA FE SPRINGS, CA 90670</b>
<i>Statement of Info Due Date</i>	<b>07/31/2024</b>
<i>Agent</i>	<b>Individual Eunjung Kim 13133 TELEGRAPH RD SANTA FE SPRINGS, CA 90670</b>



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